THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.23052 of 2003

Dated: 17-07-2006

Between:
K. Bal Reddy and another.

..... PETITIONERS

AND

The Collector, Nalgonda District, and three others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.23052 of 2003

ORDER:

The two petitioners are residents of Rangapur Village, Bibinagar Mandal of Nalgonda District. They allege that they are in possession of land in survey Nos.42 and 42/1. Second respondent published auction notice proposing to auction land admeasuring Acs.24.12 guntas in said survey numbers. Aggrieved by the same the petitioners filed the instant writ petition seeking a Mandamus declaring the action of the respondents in issuing auction notice as illegal and arbitrary.

It is the case of the petitioners that the lands in survey Nos.1 to 87 of Rangapur Village were donated to Andhra Pradesh Bhoodan Yagna Board (Bhoodan Board, for brevity) by one Chaturgiriji in 1952, that Bhoodan Board distributed said lands to several landless poor persons and that when there was an attempt by M/s Narne Estate Private Limited to encroach upon these lands, the petitioners filed W.P.No.8280 of 1995, which was disposed of by this Court on 29-01-1997 directing the Revenue Authorities to initiate action against the encroachers. It is also the case of the petitioners that when they filed C.C.No.641 of 2001 for disobeying the orders of this Court in W.P.No.8280 of 1995, the Mandal Revenue Officer filed counter-affidavit in said contempt case admitting that the lands comprised in survey Nos.1 to 87 are Bhoodan lands and that the Mandal Revenue Officer has no right over the same. Therefore, they contend that the public auction of the lands is illegal and arbitrary.

This Court, while admitting the writ petition, passed interim orders on 03-11-2003 in W.P.M.P.No.28914 of 2003. The respondents came along with an application for vacating the interim order. The same, being W.V.M.P.No.569 of 2004, was dismissed by this Court on 25-10-2004. The order passed on that day reads as under.

> The petitioners are the two of many assignees of land in survey Nos.1 to 87 of Rangapur Village, Bibinagar Mandal, Nalgonda District. Aggrieved by the auction notice dated 14-10-2003 issued by the third respondent, they filed the writ petition seeking invalidation of the impugned auction notice.
>
> This Court while ordering Rule Nisi by order dated 03-11-2003 in W.P.M.P.No.28914 of 2003 made the following order.
>
> > The Mandal Revenue Officer, Bibinagar in earlier W.P.No.8280 of 1995 admitted that the lands, which are now put to auction, are Boodan Lands and he has no right over the said lands.
> >
> > In view of the same, stay of auction.
>
> With the assistance of the learned Senior Council for the

petitioners, I have gone through the counter affidavit filed by the Mandal Revenue Officer in C.C.No.641 of 2001 in W.P.No.8280 of 1995, which is a clear admission of the fact that Sy.Nos.1 to 87 admeasuring Acs.739.06 of Rangapur Village are belonging to A.P. Bhoodan Yagna Board, fourth respondent herein. It is further supported by the claim made by the fourth respondent in their letter dated 17-10-2004 addressed to the second respondent. Therefore, prima facie, petitioners have a strong case and the balance of convenience would be tilt in their favour. The interim order passed by this Court is made absolute and the W.V.M.P. is dismissed.

In the counter-affidavit filed in the present writ petition, there is no denial that the land to an extent of Acs.733.16 guntas was donated by Chaturgiriji to Bhoodan Board and that only an extent of Acs.6.03 guntas was in the personal cultivation of Banjardar Chaturgiriji. This only shows that the allegation of the petitioners that the land admeasuring Acs.24.12 guntas in survey No.42 is also Bhoodan land assigned to landless poor persons is not without any basis. Therefore, before taking further steps, the respondents 2 and 3 must conduct enquiry as to whether the land in survey No.42 forms part of land donated by last Banjardar Chaturgiriji and whether the same was assigned to landless poor persons or to the petitioners. Unless and until such exercise is undertaken, having regard to the admission made by the Mandal Revenue Officer in the counter-affidavit in C.C.No.641 of 2001 in W.P.No.8280 of 1995, any auction would be illegal.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO, J**)

17th July 2006
ghn